

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

**FILED**

CTUS FEB 3 2010

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re ) Case No. 08-29554-A-7

DAVID CLARK, )

Debtor. )

CHARLES WADE, ) Adv. No. 08-2562

Plaintiff, )

vs. )

DAVID CLARK, ) Date: April 10, 2009

Time: 9:30 a.m.

Defendant. )

**JUDGMENT**

A bench trial was conducted on April 10, 2009. At the conclusion of the evidence, the court made findings of fact and conclusions of law orally on the record but instructed counsel for the plaintiff to lodge proposed written findings and conclusions, together with a proposed judgment. Nearly 10 months later, these documents were lodged.

After considering the proposed written findings and conclusions, the court declines to execute them and instead relies upon its oral findings and conclusions.

4 Judgment is hereby rendered in favor of plaintiff Charles  
5 Wade and against defendant David Clark as follows:

6       1. The defendant shall pay to the plaintiff the actual  
7 damages proximately caused by the defendant's actual fraud,  
8 \$120,000;

9       2. The defendant shall pay to the plaintiff \$12,000 in  
10 punitive damages;

11       3. Prejudgment interest will accrue on \$120,000 at the  
12 rate of 10% per annum, simple, from October 1, 2005 to April 9,  
13 2009.

14       4. From and after April 10, 2009, post-judgment interest  
15 shall accrue on the amounts the defendant must pay to plaintiff  
16 pursuant to paragraphs 1, 2, and 3, at the rate required by 28  
17 U.S.C. § 1961.

18       5. This judgment is made nondischargeable by 11 U.S.C. §  
19 523(a)(2)(A).

20 | Dated: 3 Feb 2010

By the Court

Michael S. McManus, Judge  
United States Bankruptcy Court

1                   **CERTIFICATE OF MAILING**

2       I, Susan C. Cox, in the performance of my duties as a  
3 judicial assistant to the Honorable Michael S. McManus, mailed by  
4 ordinary mail to each of the parties named below a true copy of  
5 the attached document.

6 Philip Cozens  
7 1007 7th St #500  
Sacramento, CA 95814

8 David Clark  
9 PO Box 234181  
Sacramento, CA 95823

10 Dated: February 3, 2010

11                   Susan C. Cox  
12 Susan C. Cox  
13 Judicial Assistant to Judge McManus